



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003181

Applicant Name : Maria Barrientos, for Warren Avenue Properties, LLC

Address of Proposal: 115 Warren Avenue N.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 6-story, 60 unit apartment building with four live/work units at street level. Parking for 77 vehicles will be provided in two levels of mostly below-grade parking and accessed from the alley. An existing one-story commercial building will be demolished to make room for the new construction.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA – Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

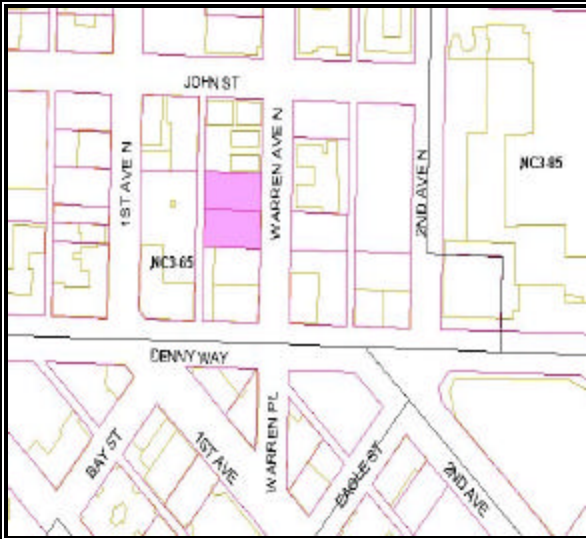
☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The project site lies mid-block along the west side of Warren Avenue, north of Denny Way. The square-shaped property currently houses a one-story commercial building on the southern portion and

a parking lot adjacent to the apartment building to the north. The site is zoned Neighborhood Commercial Three (NC3 65) with a sixty five foot height limit. The terrain slopes down approximately 5 feet from north to the south and 10 feet from northeast to southwest.



Located immediately adjacent to the site's north property line, the Pittsburgh Apartments embody the attractive genteel characteristics of an earlier era's ideal of close-to-downtown apartment living. The structure, built in 1907, includes elegant bay windows, terra cotta ornament, and intimate entry courts. Directly to the south and abutting onto Denny Way is a one-story commercial structure, Champion Party Supply. Across Warren Avenue North, to the east of the site is the Queen Court apartments (1930) and a recently constructed mixed use building at 116 Warren Avenue N.

Through traffic is somewhat limited on the side streets north of Denny due to the impenetrability of Seattle Center. The proximity of parking garages and the availability of on-street parking, however, sporadically attracts visitors seeking parking for Seattle Center events and attractions as well as for nearby commercial uses on Denny Way and Queen Anne Ave.

Within the immediate vicinity parking lots and low commercial structures predominate. NC3 65 zoning surrounds the subject site until the zoning classification shifts to NC3 85 for Seattle Center. Denny Way, a half block to the south, is where this "uptown" neighborhood meets the "downtown, and the zoning changes to Downtown Mixed Commercial with a sixty five foot height limit (DMC 65). Land Uses do not necessarily match the neighborhood commercial zoning designation as there are a number of older, 3 and 4 story single-purpose residential apartment buildings scattered throughout the area.

Applicant's Proposal

The applicant proposes a six story, mixed use building with 4 live/work units at street level and 60 multi-family units on the upper floors. Two levels of parking for 77 vehicles, partially below grade at the alley elevation, would be accessed from the alley to the west.

Public Comments

Public comment was invited at initial Master Use Permit application and at the two design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. No written comments were received during the public comment period. None of the comments made at the Design Review public meetings raised fundamental objections to the proposed project.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

An Early Design Guidance meeting, attended by all five Board members for Area 3, was held on this proposal, on September 7, 2005. At the meeting, an architect for Weinstein AU Architects described the site influences and the ownership's objectives, and presented an early, schematic design of a proposal for the site.

The applicant proposed a six story, mixed-use building with four live/work units at street level and 61 multi-family residential units on the upper floors. Parking would be mostly below grade and accessed from the alley to the west. The applicant presented three alternatives, with the first option resembling a large rectangular block pushed to the Warren Avenue right-of-way with a centrally placed residential entrance accented by a six-story notch at the center of the front façade. Open space in that scenario occupied approximately one-third of the property facing the alley. A second alternative formed a T-shaped mass with the top of the "T" fronting Warren Ave. Open space in that scheme lay on either side of the T's stem. Similar to Alternative One in mass and shape, the third option shifted the primary residential entrance from the center of the structure on Warren Avenue to the north end of the facade. In that scheme a series of five bay windows projected toward the street. The development team attempted to assure the Board that the proposed bay windows would provide a sense of scale and relief that would seem an appropriate fit to the scale and refinement of the neighborhood's brick buildings nearby.

PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents, after asking further questions of the architect and asking for public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

A: Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features

Salient site characteristics mentioned by the Board members included views to the west, the tree lined low-scale, pedestrian oriented streetscape and the gentle slopes to the southwest.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board emphasized the proposed building's relationship with the Pittsburgh Apartments to the street and noted that the major plane of the façade should be in line with or behind that of the Pittsburgh Apartments. The relationship of the street trees, sidewalk and planting strip adjacent to the building should be similar to and a continuation of the Pittsburgh Apts.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

Although no specific guidance was furnished, the Board discussed whether the location of the major residential entry would not be more effective if placed at the center rather than at the north end of the Warren Avenue façade. It was understood that the work/live spaces would each have separate entrances on Warren Ave. N.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

This was cited as being of high priority, without further comment.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

See A-2. The Board requested that the applicant explore whether wider notches, up to a third of their respective facades, might be included on the north and south elevations to accommodate increased fenestration for the proposed apartment units and to provide increased distance between the Pittsburgh Apartments and any future residential units built on the Champion Costume Supply parcel.

A-6 Transition between Residence and the Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

See A-2. The Board discussed an option in which the proposed structure's Warren Ave. façade could set back beyond the vertical plane of the adjacent apartment building. This would enable the live/work units to have a small area devoted to a garden/stoop in front of the units. This solution would help establish a more intimate scale in relationship to the older brick buildings in the neighborhood, provide open space and contribute a lushness of vegetation along Warren Ave. N.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The applicant's proposal showed open space behind the building mass overlooking the alley that would be less than the Code-required twenty percent of gross floor area in residential use. The Board briefly discussed whether this reduction might be excessive and suggested placing additional open space between the building face and the right-of-way. Guideline A-6 above elaborates on this idea. The

Board also urged the applicant to provide access for all units to the proposed open space on the west side of the structure.

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The proposed mass of the structure was perceived to be significantly higher and bulkier than the apartments to its north. As possible mitigating gestures, the Board suggested, among several ideas, that the applicant consider shifting the front façade behind the plane of the Pittsburgh Apartments (A-6), creating larger notches on the north and south facades (see A-5), and using materials that have a richness of detail and texture. Board members agreed that large expanses of metal siding were not appropriate for the front elevation.

C: Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board endorsed the proponent's notion that the proposed structure should not necessarily mimic the nearby brick edifices but rather the design should respond to the essential architectonic qualities of these structures and the example they set for a dignified neighborhood.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

The Board indicated that the success of the proposed building would depend on a careful detailing and massing in order to create a well-proportioned and unified building form which would fit in with its surroundings.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The Board noted that since the concentration of architectural details would be on the Warren Ave. N. façade, the quality of these features would need to reduce the building perceived mass, otherwise the juxtaposition or relationship of the proposed building with the brick buildings nearby could be abrupt and disconcerting.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Expressing its reluctance to use brick on the Warren Ave. façade, the development team suggested using metal panels combined with large, finely detailed, glass bay windows. The Board did not state a preference for specific materials but cautioned that a Warren Ave. façade with large expanses of metal siding would not be well received, nor would siding with deep metal grooves be considered appropriate for the site.

D: Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

The overall quality of the proposed work/live units at street level was regarded as important to the Board. The Board expressed its preliminary disinclination to grant a departure to allow all the live/work units to have less than a 13-foot floor to floor height. Some of the units should be the required 13 feet (or close to it) and others may slightly vary in height as the proposed structure responds to the natural grade at the right-of-way.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The upper floors of the north and south facades would be quite visible. Board members urged considering the addition of fenestration on these facades (within the notches) in order to provide greater abundance of light and air to the units, to be good neighbors to the existing and future adjacent buildings, and to reduce the blankness of the walls.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

Both the Board and the development team agreed that extending the streetscape from the north to Denny Way was important. The street trees should be similar to those planted (London Plane) for the World's Fair. The architect also mentioned that the applicant was interested in planting street trees in front of the costume supply company along Warren Ave. The Pittsburgh Apartments has a shallow, linear garden between the building elevation and the sidewalk. This should be continued along the proposal site.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

E-2 and E-3 were indicated by the Board to be of high priority for the proposal without further comment other than referring to the Boards directions under E-1.

DEPARTURES

The proponent presented two preliminary departure requests. These included 1) an reduction of required open space and 2) a reduction of the required 13-foot floor to floor heights for the live/work units. The Board, in general, expressed some reservations as to the extent of these reductions, but did indicate its willingness to entertain the recommendation of the granting of such departures insofar as the design development favorably responded to the Design Guidelines identified as important for the project.

Recommendation Meeting

ARCHITECT'S PRESENTATION

The architect for the project briefly reviewed the intended program and the major features of the proposed design, paying particular attention to elements of the design that responded to the Design Guidelines and the Board's earlier guidance for the project.

The residential portion of the structure would be provided with an open-space terrace above the parking podium and at street level, but essentially a full story above the alley on the west which the terrace abutted. All access to the proposed parking, underground at street level but partially above grade where it meets the alley, would be from a single opening off the alley.

Residential units above the terrace level would be provided with decks protruding from the structure out over a portion of the terrace below. Residential units on the front, above the live/work units would have large bay windows, coextensive with the width of the units, which would overlook the street. The building would be set back along the entire length of Warren Avenue N., providing for a wider separation of the structure from the curb and allowing for an expanded landscaped area adjacent that façade. Landscaping would be provided within the terrace and along (above) the alley. Street trees and additional plantings would be provided along Warren Avenue N. Materials for the proposed structure would include an architectural concrete base, charcoal-colored metal siding, and, on the front façade, large metal windows with expansive areas of glazing.

Departures from Development Standards:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The proponent presented a request for three departures from development standards for this project: 1) a reduction of required open space as a percentage of gross floor area in residential use, from 20 percent (SMC 23.47.024A) to 12 percent, 2) a reduction in the minimum horizontal dimension for a terrace or balcony to be counted as qualifying usable open space, from 6 feet (SMC 23.47.024B2) to 4feet-2 inches, and 3) a reduction of the mixed-use standard for floor-to-floor heights at street-level spaces in non-residential use, from 13 feet (SMC 23.47.008C) to 11 feet-4 inches for the two northernmost live/work units.

BOARD DELIBERTATIONS

The Board had earlier endorsed the proponent's notion that the proposed structure not mimic the nearby brick edifices but rather that the design should respond to the essential compositional qualities of these structures and the example they set for a dignified neighborhood. The Board agreed that the proposed building exhibited a level of careful detailing and massing that succeeded in creating a well-proportioned and unified building and resulted in a form that fit in well with its surroundings.

Although the Board had earlier discussed the location of the major residential entry, no specific guidance had been offered by the Board at the Early Design Guidance meeting as to whether it should be placed at the center or at the north end of the Warren Avenue façade as had earlier been proposed. The Board generally applauded, however, the decision presented in the design at this meeting to locate the residential entry at the center of the proposed structure, thereby reinforcing an essentially symmetrical Warren Avenue façade.

The Board had earlier expressed a view that the design of the proposed work/live units at street level was especially important. They had indicated a disinclination to grant a departure to allow for less than the required 13-foot floor to floor height, at least for all the units, although they indicated a willingness to recommend a departure so that some of the proposed units might slightly vary in height as the proposed structure responded to the natural grade at the right-of-way. At the present meeting the Board acknowledged that the proposed live/work units had responded to the conditions of the site and the Board's earlier guidance regarding design quality. In light of that, they recommended approval of the request to allow the two northernmost live/work units to have floor-to-floor heights of 11feet-6 inches rather than 13 feet.

The Board agreed that the applicants had demonstrated that the alley-facing terraces proposed for the ground-floor residential units, buffered as they were by a substantial planter and landscaping, achieved residential open space of a high quality. Taking into account the proposed quality of the terraced open

space, the balconies proposed for each of the west-facing residential units on the five stories above the terraces, as well as the layered landscaping along the front façade, the Board recommended approval of the requested departures to reduce the quantity of usable open space from 20 to 12 percent and to allow balconies 4-feet-2-inches in depth (rather than 6 feet in depth) to be credited toward required open space.

The Board had also requested earlier that the applicant explore wider notches along the north and, possibly, along the south elevations. This, the Board suggested, would accommodate more fenestration for the proposed apartment units and, along the north façade, provide space between the proposed structure and the existing Pittsburgh Apartments. In making its presentation, the development team had attempted to demonstrate that such a notch would potentially compromise the privacy of units in both structures and would not appreciably increase light and air. It was the development team's opinion that issues that had been raised by the Board could best be met by setting back the entire façade 3 feet from the property line and maintaining smaller notches which would only provide light into the double-loaded corridor that longitudinally traversed the proposed structure at each level.

Additionally, citing Guideline A-2, Streetscape Compatibility, the Board had earlier questioned another of the proposed building's relationships with the Pittsburgh Apartments. The Board had urged that the major plane of the façade should be in line with, or behind, that of the existing apartment structure to the north. It was further advised that the relationship of the street trees, sidewalk and planting strip adjacent to the proposed building should be a continuation of the relationship that was evidenced in the Pittsburgh Apts. In a related discussion at the Early Design Guidance meeting, the Board had indicated a preference to have the proposed structure's Warren Ave. façade set back beyond the vertical plane of the adjacent Pittsburgh apartments. This would enable the live/work units to have a small area devoted to a garden/stoop in front of the units, would help establish a more intimate scale in relationship to the older brick buildings in the neighborhood, and provide open space and contribute a lushness of vegetation along Warren Ave. N.

The Board expressed concern at the present meeting that the large bay windows on the upper floors of the east façade, which stood proud of the overall façade, effectively established a plane that was not in keeping with the tenor of the earlier guidance they had provided. After a good deal of discussion on the matter, the Board agreed that the proposed setback along the north property line and smaller notch on the north façade could work to provide an adequate buffer for the Pittsburgh Apartments *provided that the street-facing portion of the proposed structure were set back from the street so that the face of the bay windows was aligned with the basic plane of the existing apartment structure to the north*. This gesture, the Board agreed, would achieve several goals: provide a continuity of plane along Warren Avenue; provide a desirable layering of spaces between the sidewalk and the live/work entrances; and provide a minimally acceptable buffer of light and air for the south façade of the existing apartment building.

In sum, the Board members present agreed to recommend approval of the overall design and of the requested departures together with the recommended condition that the applicant move back from

Warren Avenue N. the proposed above grade structure an additional four to five feet to align with the basic plane of the Pittsburgh Apartments.

DECISION - DESIGN REVIEW

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, the four Design Review Board members present unanimously recommended approval of the subject design. The same four Board members unanimously recommended approval of the requested development standard departures, subject to the condition discussed above, namely, that of setting the upper portions of the proposed structure further back from the front property line.

The Director of DPD has reviewed the recommendations of the four Design Review Board members present at the Design Review recommendation meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings* and that the applicant has demonstrated that the requested development standard departures would result in a development which better meets the intent of the adopted Design Guidelines.

Therefore, the proposed design is **approved** as presented at the December 7, 2005, Design Review Board meeting, with the recommended three **development standard departures** described above also **approved**, subject to the Design Review conditions, enumerated below.

ANALYSIS - SEPA

This analysis relies on the SEPA checklist submitted by the applicant on October 10, 2005. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address*

an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

Short-Term Impacts

Construction-Related Impacts

Demolition and Excavation

Excavation of 6,400 cubic yards of earth on site will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of any contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Traffic

It is anticipated that the proposal would require excavation of approximately 6,400 cubic yards of material, none of which is to be stockpiled on site. The excavated material would be exported to an as yet undetermined site. Truck trips related to demolition, excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. It is expected that existing regulatory authority in place with Seattle Department of Transportation (SDOT) would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

There is a public sidewalk that abuts the proposal site on Warren Avenue N. Since the surrounding streets provide regular pathways for pedestrians, especially for those who reside in the area, it is necessary to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained. The Warren Avenue N. sidewalks along the project site shall generally be kept open and safely passable throughout the construction period. Sidewalk modifications and closures will need to be closely coordinated with the impact on pedestrian wayfinding. Any case for the need for the temporary closure of the sidewalk fronting the site is to be disclosed for SDOT approval.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of adjacent and nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day.)

Air Quality

Demolition and construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. Puget Sound Clean Air Agency urges that all diesel construction equipment used in this expansion in downtown Seattle make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law

requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) before demolition. Since there is no permit process to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A, requiring a copy of the PSCAA Notice of Intent to be submitted to DPD before issuance of any demolition permit. This will ensure proper control of fugitive dust and proper disposal of asbestos, should it be encountered on the proposal site or adjacent right-of-way.

Long-Term Impacts — Use-Related Impacts

Land Use

The proposed project, with its right-of-way improvements, street-level non-residential uses, entries along sidewalks, and residential use is consistent with the City of Seattle Comprehensive Plan (1994).

Transportation

The elements of the transportation study prepared by The Transpo Group for the proposal, and dated December 2004, were determined by DPD to establish the study area, and the key traffic issues. The Transpo report evaluates the net additional impacts of the proposed project.

Traffic

A Transportation Impact Analysis prepared by Heffron Transportation, Inc., and dated October 5, 2005, indicates that the proposed development would result in a net increase in daily AM peak hour and PM peak hour trips compared with existing conditions, which include a commercial building and surface public parking lot on site. The increase would be relatively small, 140 net new daily trips, with 16 PM peak hour and 12 AM peak hour trips. These peak hour trips are expected to occur during the typical AM and PM peak periods for the adjacent roadway system (8-9 a.m. and 5-6 p.m.).

Vehicular access to the site would occur from the alley than extends from Denny Way to John Street. Those leaving the site in vehicles could access Denny Way directly from the alley or use John Street to access either First Avenue N. or Queen Anne Avenue N. to the west or Warren Avenue N. or Second Avenue N. to the east. These arterial streets provide good vehicle access to local designations as well as the major east-west arterials, including Denny Way and Mercer Street.

The project would result in a very small increase in site-generated traffic, and since traffic to and from the site would be dispersed to several potential routes so that the impacts of project-generated vehicular

traffic on nearby intersections would constitute no more than 10 peak hour trips, impacts are not considered to be significant. No further mitigation under SEPA authority seems warranted.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-lines relevant to this project would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

Parking

Parking will be provided on site for both the live/work and residential uses. The minimum amount of Code-required parking is proposed, with a transit reduction of 20 percent requested for the non-residential requirement per SMC 23.54.020 F2. The site vicinity is well served by public bus transportation. Approximately 12 separate routes operated by King County Metro Transit serve the area and stop near the 1st Avenue N. /Denny Way intersection, located a 460-foot walking distance from the proposal site. These routes provide access from the Uptown Neighborhood to Downtown as well as to other city neighborhoods and through numerous downtown connections provide links with a wider regional transportation system.

The developer's prospectus includes the notion of providing housing for people who will often use public transit or walk to destinations including work and shopping. The minimum amount of parking is being proposed to discourage additional automobile trips. Parking spaces in the proposed structure are anticipated to be rented separately (unbundled) from the rental units. It is anticipated that the location of the site near transit and near a variety of essential services, together with the unbundled parking rental, will contribute to a lower percentage of auto ownership among prospective residential tenants. No further SEPA conditioning is warranted.

DECISION-STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS – SEPA

Prior to issuance of any Construction, Shoring or Grading Permits

1. The applicant shall submit a copy of the PSCAA notice of construction.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. Unless otherwise modified in a Construction Impact Management Plan approved by DPD prior to the issuance of a construction permit, the applicant shall be required to limit periods of all construction to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays and between 9:00 a.m. and 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as regular weekdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, Veteran's Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction.
3. The sidewalk along the project site in the Warren Avenue N. right-of-way shall be kept open and made safely passable throughout the construction period. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition.

NON-APPEALABLE CONDITIONS-DESIGN REVIEW

Prior to issuance of Master Use Permit

4. Provide within the MUP plan set embedded color sheet(s) showing the east and west elevations and proposed landscaping plan.

Prior to issuance of Certificate of Occupancy

5. Construct a building with siting, materials and architectural details substantially the same as those presented at the December 7, 2005, Design Review Board meeting and as may have been revised per recommendations of the Board at that meeting or with subsequent DPD staff approval.

Signature: _____ (signature on file) Date: March 16, 2006

Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MMD: bg